

**FAX RECEIVED****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

JAN 27 2006

In re application of:

ALDERSON *et al*

Appl. No.: 09/499,468

Filed: February 7, 2000

**For: Use of Vascular Endothelial  
Growth Factor to Treat  
Photoreceptor Cells (as amended)**

Confirmation No.: 1320

Art Unit: 1647

Examiner: Robert S. Landsman

Atty. Docket: 1488.100000F/EKS/HCC

**OFFICE OF PETITIONS****Petition to Withdraw from Issue under 37 C.F.R. § 1.313(c)(2)  
for Consideration of a Request for Continued Examination**Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

It is hereby petitioned under 37 C.F.R. § 1.313(c)(2) that the above-captioned application be withdrawn from issue for consideration of the concurrently filed request for continued examination in compliance with 37 C.F.R. § 1.114.

It is believed that no extensions of time are necessary, other than those that are otherwise provided for herewith. However, if extensions of time under 37 C.F.R. § 1.136 other than those provided herewith are required to prevent abandonment of the above-captioned application, then such extensions of time are hereby petitioned.

01/31/2006 CRHLOK 00000011 09499468

01 FC:1464

130.00 DP

- 2 -

ALDERSON *et al.*  
Appl. No. 09/499,468

This petition is accompanied by the required fee (37 C.F.R. § 1.17(h)). The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN &amp; FOX P.L.L.C.



Helene C. Carlson  
Agent for Applicants  
Registration No. 47,473

Date: January 27, 2006

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

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OFFICE OF PETITIONS

Fax

☒ Urgent☒ Return reply requested☐ Original will be sent as confirmationTo: United States Patent and Trademark  
Office

Date: January 27, 2006

Attention: Office of Petitions

Re: Appl. No. 09/499,468; Filed: February 7, 2000  
For: Use of Vascular Endothelial Growth  
Factor to Treat Photoreceptor Cells (as  
amended)

From: Helene C. Carlson

Pages (including cover sheet): 13/14

Fax No: (571) 273-0025

Our Reference: 1488.100000F/EKS/HCC

## Message

Attached please find:

1. SKGF Cover Letter;
2. Credit Card Payment Form (PTO Form PTO-2038) in the amount of \$130.00 for the Petition fee;
3. Petition to Withdraw from Issue under 37 C.F.R. § 1.313(c)(2) for Consideration of a Request for Continued Examination;
4. Petition Fee Under 37 C.F.R. § 1.17(h) Transmittal (Form PTO/SB/17p);
5. Copy of concurrently filed Request for Continued Examination (RCE) Transmittal (Form PTO/SB/30);
6. Copy of concurrently filed Thirteenth Supplemental Information Disclosure Statement Filing Under 37 C.F.R. § 1.97(b);
6. Copy of concurrently filed Form PTO/SB/08A (1 page), citing 6 documents (US1-US4) and (FP1-FP2); and
7. Copy of concurrently filed Form PTO/SB/08B (3 pages), citing 26 documents (NPL1-NPL26).

## Certification of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted  
to the Patent and Trademark Office on the date shown below.  
Name

Date: 27 January 2006

please sign and return this page as acknowledgment of receipt

If any portion of this transmission is not received clearly or in full,  
contact us at 202.371.2600 or f 202.371.2540

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Stern, Kessler, Goldstein & Fox P.L.L.C. : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 f 202.371.2540 : [www.skgf.com](http://www.skgf.com)



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\*Admitted only in Maryland  
\*Admitted only in Virginia  
\*Practice Limited to  
Federal Agencies

January 27, 2006

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**WRITER'S DIRECT NUMBER:**  
(202) 772-8641  
**INTERNET ADDRESS:**  
HCARI.SON@SKGF.COM

**Art Unit 1647**

**Attn: Mail Stop 313(c)**

**Re: U.S. Utility Patent Application**  
**Application No. 09/499,468; Filed: February 7, 2000**  
**For: Use of Vascular Endothelial Growth Factor to Treat Photoreceptor**  
**Cells (as amended)**  
**Inventors: Alderson et al.**  
**Our Ref: 1488.100000F/EKS/HCC**

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**JAN 27 2006**

**OFFICE OF PETITIONS**

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Credit Card Payment Form (PTO Form PTO-2038) in the amount of \$130.00 for the Petition Fee;
2. Petition to Withdraw from Issue under 37 C.F.R. § 1.313(c)(2) for Consideration of a Request for Continued Examination;
3. Petition Fee Under 37 C.F.R. § 1.17(h) Transmittal (Form PTO/SB/17p);
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7. Copy of concurrently filed Form PTO/SB/08B (3 pages), citing 26 documents (NPL1-NPL26).

Commissioner for Patents  
January 27, 2006  
Page 2

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Helene C. Carlson  
Agent for Applicants  
Registration No. 47,473

EKS/HCC/eaf  
Enclosures

480007v1

PTO/SB/17p (11-04)

Approved for use through 07/31/2007, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FEE**  
**Under 37 CFR 1.17(f), (g) & (h)**  
**TRANSMITTAL**  
 (Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
 P.O. Box 1450, Alexandria, VA 22313-1450

|                        |                      |
|------------------------|----------------------|
| Application Number     | 09/499,468           |
| Filing Date            | February 7, 2000     |
| First Named Inventor   | Ralph Alderson       |
| Art Unit               | 1647                 |
| Examiner Name          | Landsman, Robert S.  |
| Attorney Docket Number | 1488.100000F/EKS/HCC |

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OFFICE OF PETITIONS

Enclosed is a petition filed under 37 CFR 1.313(c)(2) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 19-0036 :  
☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments  
 Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.

☒ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.205 - for review of refusal to publish a statutory invention registration.
- § 1.290 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(e) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.10(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.



Signature

January 27, 2006

Date

Helene C. Carlson

Typed or printed name

47,473

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.